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6 UNITED STATES OF AMERICA
7 BEFORE THE NATIONAL LABOR RELATIONS BOARD

8 INTERNATIONAL UNION OF OPERATING)
ENGINEERS, LOCAL 286,)

Case No.: 19-RC-150590

9 Petitioner,)

10 and)

EMPLOYER'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT
OF REQUEST FOR REVIEW

11 SEATTLE CHILDREN'S,)

12 Employer.)
13

14 On May 6, Regional Director Ronald K. Hooks, Region 19, issued a Decision and
15 Direction of Election in the above matter, scheduling a self-determination election on May 19,
16 2015. On May 18, the Seattle Children's, the Employer, filed a timely Request for Review of
17 that Decision. Notwithstanding the Employer's pending Request for Review, the election was
18 held, the ballots were counted, and the Region issued a Certification of Representation.

19 In its Request for Review, Seattle Children's has demonstrated that the misapplication of
20 law and erroneous finding of facts in the Decision and Direction of Election will lead to undue
21 proliferation of nonconforming bargaining units in its acute care facility. The concerns have
22 proven to be well founded. Indeed, on June 1, a non-incumbent union (International
23 Brotherhood of Electrical Workers, Local 46) filed a representation petition seeking to represent

EMPLOYER'S REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF REQUEST FOR REVIEW - 1

Davis Wright Tremaine LLP
LAW OFFICES
Suite 2200
1201 Third Avenue
Seattle, WA 98101-3045
206.622.3150 main 206.757.7700 fax

1 a second nonconforming unit of skilled maintenance employees at Seattle Children's. A copy of
2 the **Petition, 19-RC-153237**, is attached. This new petition represents the very type of undue
3 proliferation of bargaining units at acute care facilities that the health care rule intended to
4 preclude.

5 Seattle Children's therefore respectfully requests that the Board take judicial notice of the
6 newly filed representation petition by IBEW, grant its Request for Review, and reverse the
7 Region's Decision and Direction of Election.

8 Dated at Seattle, Washington, this 3rd day of June, 2015.

9 Respectfully submitted,

10 Davis Wright Tremaine LLP
11 Attorneys for Seattle Children's

12 By s/Henry E. Farber

13 Henry E. Farber
14 Suite 2300
15 777 108th Avenue NE
16 Bellevue, Washington 98004-5149
17 Telephone: (425) 646-6100
18 Fax: (425) 646-6199
19 E-mail: henryfarber@dwt.com

20 Paula C. Simon
21 1201 Third Avenue
22 Suite 2200
23 Seattle, Washington 98101
Telephone: (206) 622-3150
Fax: (206) 757-7700
E-mail: paulasimon@dwt.com

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.

19-RC-153237

Date Filed

May 29, 2015

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer
Seattle Children's Hospital

2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code)
4800 Sandpoint Way NE, Seattle, WA 98105

3a. Employer Representative - Name and Title
Robert Olsen

3b. Address (if same as 2b - state same)
Same

3c. Tel. No.
206-987-5099

3d. Cell No.

3e. Fax No.
206-987-4713

3f. E-Mail Address
robert.olsen@seattlechildrens.org

4a. Type of Establishment (Factory, mine, wholesaler, etc.)
Hospital

4b. Principal product or service
Medical Care

5a. City and State where unit is located:
Seattle, Washington

5b. Description of Unit Involved

Included: All residual skilled maintenance employees, including Painters, Carpenters, and Electricians

Excluded: All other represented craft workers, Guards, Clerical and Supervisors as defined in the Act.

6a. No. of Employees in Unit:
14

6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes ☒ No ☐

Check One: ☐ 7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about _____ (Date) (If no reply received, so state).

☐ 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (If none, so state).

8b. Address

8c. Tel. No.

8d. Cell No.

8e. Fax No.

8f. E-Mail Address

8g. Affiliation, if any

8h. Date of Recognition or Certification

8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)

9. Is there now a strike or picketing at the Employer's establishment(s) involved? No If so, approximately how many employees are participating? _____
(Name of labor organization) _____, has picketed the Employer since (Month, Day, Year) _____

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)

10a. Name

10b. Address

10c. Tel. No.

10d. Cell No.

10e. Fax No.

10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.

11a. Election Type: ☒ Manual ☐ Mail ☐ Mixed Manual/Mail

11b. Election Date(s):
June 12, 2015

11c. Election Time(s):
During each shift

11d. Election Location(s):
Site near work area

12a. Full Name of Petitioner (including local name and number)
Frank Elduen, IBEW Local Union No. 46

12b. Address (street and number, city, state, and ZIP code)
19802 62nd Ave South, Kent, WA 98032

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)
International Brotherhood of Electrical Workers, AFL-CIO

12d. Tel. No.
206-653-4113

12e. Cell No.

12f. Fax No.
253-872-7059

12g. E-Mail Address
frank@ibew46.com

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title Frank Elduen, Organizer

13b. Address (street and number, city, state, and ZIP code)
19802 62nd Ave South, Kent, WA 98032

13c. Tel. No.
206-653-4113

13d. Cell No.

13e. Fax No.
253-872-7059

13f. E-Mail Address
frank@ibew46.com

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print)
Frank Elduen

Signature

Frank Elduen

Title
Organizer

Date

05/29/2015

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

RECEIVED
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REGION 19

2015 MAY 29 PM 12:46

SEATTLE, WA

